

Mr Olinger get on his knees & shoot him. I want you all to know that I admitted I shot him & even though I believe it was an accident, I've had other inmates tell me I should have blamed it on somebody else. I am not going to lie to anyone for any reason about what happened.

and Mamma if I die in the electric chair, I want you to know that you taught me right & I finished this the way you would have wanted me to.

008861

LEE MOORE

- nothing significant
- MM, JV, etc -

- 1900 said he put him out of the house
because of drinking, staying out late

- "if you want to be a big man you go
live w/ your father

- mother loved him (sister said)
- older sisters - supplied him w/ by
- Jimmy -

- started using marijuana at age 16

19 100 - good -

- picked on a lot as a kid

- "man's boy"

- he lived in a neighborhood where you don't
get things

- a hot nascar Lee ~~baseball~~ moved into
neighborhood - ~~he~~ picked by Lee Cobb

- Lee Moore had brass knuckles - but Lee Cobb
Lee Moore charged CCW - pencils

- Lee Moore again was picked by a group
of guys at Dunston Commons - he was robbed
during a drug deal

- as I got a gun from Dad

- I got in their car - his shoes
but my drugs didn't - his money

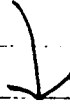
he was
a
metro

008862

need to

show he's a tough guy

- he talked to his dad about it



- are we putting sub culture on the stand?

- his father was not involved in Lee's life at all

- lack of father figure - when he lived w/ dad - "no discipline"

= "ABSENT FATHER"

POT ON
HOM

} ~~she~~ can ^{she} more the jury? yes



92

- he's by the life a most male 18
w/ old ofers, smokers - no job,
no education, mother, drinking -

- wouldn't let him in house of jobs
core

⇒ can jury use person's who ready to die
\$ Larry.

008863

- Lee could be manipulated
- Jason was the anti-social leader of gang.



Lee followed Jason - Lee was a man's boy -

- he was ostracized as a kid - he wanted to be cool →

- Lee has great potential ~~from~~ to learn from his mistakes

- he is remorseful
- he has insight into what he did

- Girls - who smoked w/ dope w/ Lee, Jason

SACH Prughet?

MGBs - also

SEMIT COOPER

861- 9433

CENTRAL PSYCHIATRIC CLINIC
COMMUNITY DIAGNOSTIC AND TREATMENT CENTER

909 Sycamore - Third and Fourth Floors
Cincinnati, Ohio 45202
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November 2, 1994

RE: LEE EDWARD MOORE
DOC.#: B94-00431

Mr. Lee Edward Moore was evaluated in reference to Mitigation of Death Penalty, pursuant to Ohio Revised Code 2929.03 and as defined in Ohio Revised Code 2947.06. Mr. Moore is charged with Aggravated Murder with Specification, Aggravated Robbery with Specification and Kidnapping. The defendant was evaluated by the undersigned, David Chiappone, Ph.D., Clinical Psychologist, on September 13, September 15, September 17, September 22 and October 20, 1994 for a total of approximately six hours at the Hamilton County Justice Center (HCJC). He was administered the Wechsler Adult Intelligence Scale-Revised (WAIS-R), the Wechsler Memory Scale, and the Bender Gestalt. Mr. Moore was also interviewed at the HCJC by Jenny O'Donnell, B.S., Psychology Trainee, on September 1, and September 12, 1994 for a total of approximately two hours and forty minutes. In addition, Ms. O'Donnell administered the Minnesota Multiphasic Personality Inventory (MMPI) on September 14, 1994 at the HCJC for approximately two hours and thirty minutes. The nonconfidential nature of the evaluation was explained to Mr. Moore prior to all sessions, and he acknowledged understanding such and signed a form to that effect. He also acknowledged his understanding that he was being evaluated for possible Mitigation of the Death Penalty. Collateral contact was made by the undersigned psychologist with the defense attorneys, Dan James and Tim Deardorff. Ms. O'Donnell made collateral contact with Dan James and Tim Deardorff, defense attorneys; Chuck Stiddham, mitigation specialist; Pamela King, juvenile probation officer; Mark Piepmeier, prosecuting attorney; Georgia Moore, the defendant's mother; Lee Moore Sr., the defendant's father; Ed Roberts, Fairfield Police; Dick Flagg, guidance counselor at Mt. Healthy High School; Westerfield, Mt. Healthy High School principal; Robin Thrasher, the defendant's sister; Beverly Parker, the defendant's sister; Shatunda Neal, the defendant's girlfriend; James Ray, father's friend; and Shirley McDaniel, a neighbor of the family. Records were obtained from the Hamilton County Justice Center (HCJC) Intake Assessment and medical chart, Children's Hospital, two letters from the defendant to his parents, employment records from McDonald's, Mt. Healthy High School records, the defendant's statement to the police, statements from the two alleged accomplices, Fairfield Police Department report of two alleged accomplices, coroner's report, medical records from a prior treating source Terry Schwartz, Psy.D., Juvenile Court contact records, Juvenile Detention Center in Butler and Hamilton County, Central Baptist School records, Orthopedic Diagnostic and Treatment Center, and Woodward High School. Records have not been received

008865

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from the Talbert House for Young Men. What follows are my findings and information regarding mitigation.

In the interview, Mr. Moore presented as a large, stocky built, African American male appearing older than his nineteen years. He had short cropped hair, full beard and long fingernails. He was oriented in all spheres and was relevant and coherent. He did not appear to be suffering from any hallucinations, delusions or other symptoms of a major mood or thought disorder. He was somewhat downcast about being incarcerated. He could attend and concentrate as needed. His emotional expression throughout several interviews did not vary. His thoughts were logical, coherent and goal-directed. Memory was intact. He was able to complete all tasks presented to him and participated in psychological testing without any difficulty. Regarding the current allegations, Mr. Moore was able to provide a relevant and coherent story, explaining his acts relevant to the allegations and added that he was using marijuana and alcohol on the day of the offense.

Mr. Moore reported having juvenile charges of Carrying a Concealed Weapon, Receiving Stolen Property, Grand Theft Auto and Drug Abuse. Collateral contact with Pamela King, Juvenile Probation Officer, reported that Mr. Moore was cooperative in reporting weekly and would discuss his activities with her. Ms. King also said that his mother was involved with his court hearings and enforced his cooperation.

Mr. Moore was born and raised in the Cincinnati area, one of eight children in two families, and the only child from the union of his parents. When the defendant was approximately six years old, his parents divorced. He was raised by his mother and had regular visitation with his father. When Mr. Moore reached his late teens and started having difficulties at school and legal problems, Mrs. Moore had the defendant live with his father. The defendant remembers his parents arguing but did not recall any violence between them. He described his mother as strict. Both parents have always worked. He remembers going to live with father at times, and father being variably present. It appears that Mr. Moore had difficulty with the divorce and felt the absence of a father figure. Robin Thrasher, the defendant's sister, indicated that Mr. Moore did miss father and was hoping that his parents would get back together. Robin Thrasher added that Mr. Moore was basically a "golden child" and that he received everything he needed in the home and was overprotected. He was a nonproblematic child until adolescent years and was teased in school and bullied by one particular young man. A friend of the family and neighbor, Shirley McDaniel, corroborated that Mr. Moore was teased as a youngster and had an altercation with a classmate. It appears that sometime after this, Mr. Moore started getting into trouble and was more willing to act out. In retaliation, Mr. Moore used brass knuckles in fighting with the youth. Mr. Moore received a Carrying a Concealed Weapon charge from that incident.

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Mr. Moore has generally intact physical health. He had no major head injuries, illnesses or surgeries as a child. Mr. Moore did not suffer any developmental delays. He did sustain two head injuries and a sprained ankle but medical records show those events as unrelated and not problematic. Collateral contact from the Hamilton County Justice Center reveals that Mr. Moore was seen in intake and had three sick calls regarding physical conditions.

*below average
grades
new &
also had
discipline problem
Mother's
supervision*

Academically, Mr. Moore obtained eleven grades of formal education and eventually a GED in June, 1994. He was held back in the fourth grade and ninth grade. He made below average marks in school. He was in regular classes. His grades deteriorated when he started "hanging with the wrong crowd" and using marijuana and alcohol. In later years he was truant from school and dropped out. He was suspended for fighting. He did not engage in extracurricular activities. He made friends adequately. Collateral contact with Dick Flagg, guidance counselor of Mt. Healthy High School, revealed that Mr. Moore had discipline problems and decreased motivation. Yet, Mr. Moore was always polite in interactions with Mr. Flagg. What success Mr. Moore did have in school, however, appeared to be at mother's insistence and supervision. Mr. Flagg remembers Mr. Moore "trying to change his ways" on several occasions but his efforts were short-lived.

Vocationally, Mr. Moore last worked in 1992 as an usher for a few months but was fired for absenteeism. He worked at a fast food restaurant for several months but quit that job. He was fired from a grocery store for absenteeism. He said he would rather be "hanging with the boys." His longest period of employment was approximately five months. He admitted that bosses were critical of him for his irresponsibility, tardiness and absenteeism and that co-workers would be upset with him because they had to fill in for him. He stated that recently he felt his life was going nowhere and that he needed to get a job and this was at the insistence of his parents.

no guidance

Prior to the current allegations, Mr. Moore was living with his father but felt he was living by himself. That is he liked living with his father. His father would not "nag him" like his mother did. He was able to do what he wanted to do. Mr. Moore was receiving some Social Security funds as father was retired. Mr. Moore had to pay rent to father but was able to retain some of the money from Social Security.

Mr. Moore has never been married and has no children. He had one serious relationship with Shatunda Neal, meeting her when he was sixteen, and this relationship lasted for about four years until he was arrested. He admitted that they argued periodically. She complained about his alcohol use.

Mr. Moore has never been psychiatrically hospitalized. He has never received psychiatric medications. He has never experienced

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any psychotic symptomatology. He denied suicide ideation or attempts. As an adolescent, after difficulties in school and in an incident that raised questions in Mrs. Moore's mind about her son's substance abuse, Mr. Moore did receive treatment for a short duration with Terry Schwartz, Psy.D., Psychologist. Mr. Moore felt it was not helpful. Mr. Moore has not received any psychiatric treatment while at the HCJC.

Regarding substance use, Mr. Moore started using alcohol and marijuana by age fifteen. Last use of both substances was on the day of his arrest. He reported that he would use both substances several times during the week and spend as much as \$350.00 a week on marijuana. His drug of choice was marijuana. He has never had periods of sobriety. His mother and girlfriend complained about his drug use. On one occasion he came home and mother had to help him to bed, but he denied or would not talk about his substance use. Shatunda Neal, the defendant's girlfriend, reported that Mr. Moore has a problem with alcohol and marijuana. The defendant's father and sister, Beverly Parker, were aware of Mr. Moore's substance use, but were not aware to what extent. Mr. Moore claimed he started using alcohol and marijuana to get his mind off his problems. When using substances he experienced and reported personality change, use in the morning, financial difficulties, blackouts and loss of control. He has never received substance abuse treatment.

Regarding the use of weapons, Mr. Moore has had a juvenile charge of Carrying a Concealed Weapon, involving brass knuckles in which he fought with a peer. Also, several weeks prior to the current allegations, Mr. Moore was robbed at gunpoint. Lee Moore, Sr., the defendant's father, and James Ray, father's friend, were told of this incident by Mr. Moore and related it to Ms. O'Donnell. It was after this incident that Mr. Moore reportedly obtained a weapon from his father's home, unbeknown to father. Lee Moore, Sr. counseled his son not to take the law into his own hands and told his son to report the assault to the police.

The Wechsler Adult Intelligence Scale-Revised (WAIS-R) revealed Mr. Moore obtained a Verbal IQ of 110, a Performance IQ of 97, a Full Scale IQ of 100, placing him in the average range of intellectual ability, and at the 50th percentile of the general population. There is no significant verbal versus performance differential. Mr. Moore displayed the intellectual capability to appreciate his and other's actions and the ability to handle high school studies. He has above average skill in learning a simple coding task involving active memory. It appears with structure he works fairly well. The Wechsler Memory Scale resulted in a memory quotient of 100 which is commensurate with the obtained IQ and suggests that he has intact memory abilities. There are no pathomonic signs on the Bender Gestalt test. Results of the Minnesota Multiphasic Personality Inventory suggest that Mr. Moore answered in such a fashion as to overendorse pathology and

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invalidate the results. This is not inconsistent with individuals who are involved with such serious charges and possible consequences.

Summary of Mitigation Issues

Lee Moore, a nineteen year old, African American male explained that his actions relevant to the current offenses were a function of his feeling that his life was going nowhere and that he was abusing substances. Developmental perspective reveals that Mr. Moore grew up receiving all that he needed, especially from his mother and being somewhat overprotected, while having a distant father and struggling with the divorce of his parents. It appears that he did not receive guidance from his parent to give him a sense of direction in life and goals to work toward. Consequently, both academic and vocational history are incomplete. As a child, he was teased at times and felt he had to present a "tough guy" presentation. He did so on one occasion and eventually obtained a Carrying a Concealed Weapon charge after fighting with a peer. He has had short-term treatment regarding his acting out behavior as a juvenile, but he found it not helpful. Mr. Moore started to "hang" with the wrong crowd and was abusing substances in his adolescent years. In addition, prior to the allegations, Mr. Moore was himself accosted and soon thereafter he obtained a weapon. This young man who has not been able to utilize his potential (as noted by intelligence testing) and has struggled with his sense of identity, especially in terms of the loss of direction from a father figure. He turned to using substances, and obtained a weapon, to make him feel more like a member of "his own group."

David Chiappone, Ph.D.
Clinical Psychologist

DC/vle
11/1/94

RE: LEE EDWARD MOORE

Diagnosis:

Axis I: Polysubstance Dependence, alcohol and marijuana

Axis II: Antisocial Personality

Axis III: None Relevant

Treatment Recommendations: Mitigation factors reveal substance abuse, anger at lack of parenting especially from father, sense of loss of direction in his life in spite of potential, and increasing episodes of acting out with violence and he has little if any direction.

I MUST Pay for That Terrible Mistake but Please Understand That Due To a Very Distorted Mentality I was unable TO Make proper + Rational Decisions, its like I was brain dead, but Now I have Truly accepted God in My heart + I feel That I Can Definitely Make a Difference in Other young Mens life + let Them Know That no Matter how bad you Think Things are if you accept God in your life he will be the Answer to all problems

I have Truly learned from This Terrible Mistake I have Made, I want TO ask you Please grant Me one More Chance at Life.

I would like To Say To Mr. Dinger That I would Die Today for you if it would bring back your son.

but I know Thats Not possible becaus Nothing will bring him back, I Can only ask That you forgive Me but I understand if you Dont.

I Ask you NOT To be Angry with My Family because I know They feel The pain That you feel.

To The Members of the Jury, I have Done what My Mother Tried To Teach Me & That is "when you Make a Mistake you Admit your Mistakes & Accept your punishment". I want you To Know That I believe I Accidentally pulled The Trigger but I Should have Never even had The gun in The First place, I want you To Know That, That Day I had Smoked 2 Dime bags of Marijuana, I had Drank 2 quart battles of beer & some gin, ~~over periods~~ I had been Smokin & Drinking like That Since I was 16 years old so I was used To Driving Cars while I was high.

Larry Kinley Said I Said his brains were all over the wall, but That is what Larry Said To Me After I had been Sitting in The Car before we left The place were Mr. Olinger Died, Larry Kinley Must have been Watching Thru The windows. you have been Told That The Trunk lid was up but it was NOT, I Shut The Trunk After Mr. Olinger got out & before we walked over To where The Dumpster was. I want you To believe Me with 008872

Dear Dad

From
Siddham

9-26-94

What's up dad? I'm doing pretty good, I hope you are too, I really don't have to much to talk about but I do want you to know that I'm very sorry that I was not a better son, I wish I would have been, I just had a lot of problems in my life and I felt like I couldn't talk to anyone about it, like sometimes I would be sitting downstairs with you and I would want to talk to you about it but I just wouldn't, the truth is I have a problem communicating with people I don't know very well and I guess I didn't know you like I should have known you, I hope you understand what I'm saying.

I was not smoking crack, but I would ~~drink & smoke weed constantly~~ and I only did that because that was the only way I could get my mind off the problems in my life, it's like I was running from them, but since I've been locked up I have had time to think about why I turned out this way, I guess I was like a pressure cooker. I had all of those feelings and problems bottled up inside of me. Eventually I just busted. 008873

Sometimes I could even think

About how all of these problems would go away if I just killed myself, I know I didn't want to do that, but that is something I shouldn't have even been thinking about, but I have a stable mind now that I have god in my life & I'm ready to go with the punches because I know everything's gonna be all right.

Please tell Mrs. Betty that I'm sorry for not treating her better than I did, I do appreciate her because she allowed me to stay, sleep and definitely eat in her home and I know that she did not have to do any of that for me.

I wish it wouldn't have took all of this for me to come to my senses, but it did and now I have to live with it.

One more thing before I end this letter, I had got a few pictures on my Micror & in my drawers do you think you can mail them to me? Well until next time bye!

Love
Lee Edward Moore

From
Slidham
9-26-94

Dear MAMA:

I Really don't know what to say -
So im just going to get to the
point. I know I have been a
big disappointment to you & Daddy but
I want you to know that the way
I turned out is NOT your fault
at all, you were the best Mother
a son could have I just couldn't
Realize you were trying to make
a good person out of me. I Really
think my downfall was acceptance
from other kids & also drinking &
drugs, im not blaming anyone for
my mistakes because I should have
been a stronger person, because I knew
that drinking & smoking was wrong but
all I was concerned with was being
Accepted by kids at my school.

MAMA, Kids Actually Made My young
life Miserable. I got beat up, I got
chased home from school all the time &
this made me have a very low self
esteem, in Jr. high school I was
actually scared to ride my school
bus home because people would take
my hats and pick fights with me. I
didn't have any friends at all when

I was in jr. high school EXCEPT for younger kids like Micheal Across The STREET and Kareem Around The Corner.

That is why I stayed in trouble in school, being The Class Clown To Make People laugh so I could be Accepted like other kids, but Really All I was Doing was Playing Myself!

By The Time I got in high school Things were getting a little better, I could Fight now because of getting My ASS Kicked so much when I was younger Excuse My French 😊.

Anyway I started MATURING in The body but NOT in The Mind & People were Accepting ME Especially girls & I just lost My Mind Cause I Never Experienced Popularity before.

Time goes on & Me & My Clique Are like The Kooldest AND This MAKES Me feel very good Cause we got The girls The Money & The "Clout."

but one day IM hangin with "The boys And Some guys Come over with Some beer & say lets get drunk AND Everybody Says Kool I Really didnt want To but I was weak & I didnt want To lose My Acceptance with The Clique. So I DRUNK with Them. This went on

for a while And Eventually it was a Normal Thing To drink A 40oz with The boys it became a habit & I Started Really Messing up in School but I didnt Care Cause I had "Clout" & girls And I wasNT Thinking About The Future, I didnt have a Care in The world.

Then I Started getting in Trouble with The law. I would hide My Drinkin from you but occasionally I would Come home very drunk & Sick you Know what im Talking About & Eventually you just got fed up because I was NOT doing Nothing in School I was getting in Trouble with The law & I would Come home Drunk. So you Through Me out and I Can understand That

but Mama, That's The Worst Thing you Could have done, I Started living with daddy And IT was like I was on My own, he gave Me freedom To do what I wanted To do, I had Never had That And I wasNT Even Ready for it, but I liked it I felt like I was a grown MAN but in Reality I was a young boy with all This Freedom I didnt Need And

Could not control it, I spent all of my time drinking & smoking weed with the boys & no time for God & school. When I enrolled into Woodward it was like withdrawing from school completely, it was so easy to skip school & not even to go I just didn't attend, I had all this freedom I just wanted to have fun. I wasn't thinking about school.

I started getting in trouble with the truant officer & they were threatening to kick me out. I did better for a minute then started slipping again & eventually dropped out. I spent all my time drinking, screwing, smoking weed & hanging with the boys "N" the hood. I hardly ever spent any time at dad's house cause I was always in the streets. I did try to enroll into the Job Corps Trade School but they wouldn't except me because of that drug charge I picked up when I was younger. Then I started feeling useless & depressed.

I knew how you must have been feeling & I felt so ashamed of myself I didn't want to be around you.

008878

I felt like There was Nothing I Could Do I had no Skills + I Couldn't Even learn one, I felt Trapped and I didn't want To work at McDonalds because I was 19yrs old and I guess I had To Much pride, but look were it got Me. ITS A Shame That all of This had To happen for Me To Come To My Senses + Realize I had a problem, I wish I Could have been a better Son and I Am so Sorry for disappointing Everybody but Now I Know That when All of This is over I will be A better person because. I have Turned My life over To God + I have faith in him.

I understand Everything That you Ever Tried To Teach Me AND Now I understand That you were Trying To Make Me have a good life, I just wish I Could have seen it when I was younger. I AM so Sorry Any of This happened, if I Could Start from The beginning I would live My life A Totally Different way.

And as Far as ShaTunda is Concerned I Dont Need her or her MAMA'S Support because I have My MAMA AND My Family's Support

008879

AND MOST important of all I have
The Support of Jesus Christ AND
Thats all I Need.

LOVE

YOUR SON
Lee E. Moore Jr.

P.S

I Love you